

U.S. Patent Application No. 09/900,533
Request for Reconsideration dated August 16, 2006
Response to Office Action dated July 21, 2006

REMARKS/ARGUMENTS

Reconsideration and continued examination of this application are respectfully requested.

Rejection of Claims 27, 29, 32, 33, 54, and 56 – Non-statutory obviousness-type double patenting

At page 2 of the Office Action, the Examiner rejects claims 27, 29, 32, 33, 54, and 56 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-11 and 15-22 of U.S. Patent No. 6,818,595. For the following reasons, this rejection is respectfully traversed.

The claims of the present application are not identical to the claims of the '595 patent. Further, the Examiner has referred to the specification of the '595 patent for support of this rejection, which is not appropriate in an obviousness-type double patenting situation. The comparison should be based strictly on claims versus claims. However, to expedite the prosecution of this application, a Terminal Disclaimer is filed with this response. Accordingly, this rejection should be withdrawn.

Provisional Obviousness-Type Double Patenting Rejection of Claims 1, 3, 5-10, 27, 29-33, 35-54, and 56-59

At page 3 of the Office Action, the Examiner provisionally rejects claims 1, 3, 5-10, 27, 29-33, 35-54, and 56-59 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-7, 9-17, 19-44, 46-53, 55-61, 63-82, 84-112, 114-122, 124, 125, 127, and 129-132 of co-pending U.S. Patent Application Number 10/216,048. For the following reasons, this rejection is respectfully traversed.

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Since this is a provisional rejection and since this will be the only rejection pending, it is proper to withdraw this provisional rejection in the present application so that the present claims can issue into a patent. As the M.P.E.P. instructs, this obviousness-type double patenting rejection, if proper, can then be raised in co-pending Application No. 10/216,048. However, the applicants note that the claims in co-pending Application No. 10/216,048 recite an alkali metal tungstate, which is not recited in the present claims. The claims in each application would not be obvious to each other. The provisional rejection does not appear to be proper for this reason as well. For these reasons, the rejection should be withdrawn.

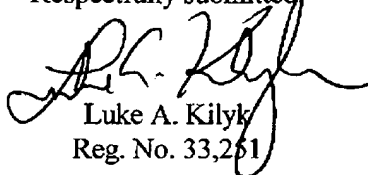
In view of the above comments, the applicants believe that all claims are in condition for allowance and that the provisional obviousness-type double patenting rejection can be removed at this time as stated above.

CONCLUSION

In view of the foregoing remarks, the applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



Luke A. Kilyk
Reg. No. 33,261

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KILYK & BOWERSOX, P.L.L.C.
400 Holiday Court, Suite 102
Warrenton, VA 20186
Tel.: (540) 428-1701
Fax: (540) 428-1720
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